

REMARKS/ARGUMENTS

Claims 1-7 are present in the instant application.

Amendments to the Claims

Claims 1-7 are amended above to place the claims in single sentence format. They are also amended to correct minor oversights in grammar and to improve readability. These amendments to the claims are clerical in nature only, and no alteration of claim scope has been made, nor should be implied. No new matter has been added.

Rejections under 35 U.S.C. § 112

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite for not being in single-sentence format. This has been obviated by the foregoing amendments. Favorable reconsideration and withdrawal of the rejection is kindly requested.

Rejections under 35 U.S.C. § 103

Claims 1-7 are rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,832,208 to Finnegan ("Finnegan") in view of U.S. Patent No. 4,515,334 to Horne ("Horne"). Applicant respectfully traverses the rejection.

Independent claim 1 recites

A rack for horizontally supporting and storing bottles comprising:

a surface of the rack having an upper relief which defines several sets of compartments designed to accept a bottle in each laid out horizontally;

... two first compartments, which are equal in length, parallel and substantially running together on the same plane, and a second, additional, inverted compartment on an elevated plane with regard to the aforementioned plane for the aforementioned two first compartments...

In contrast to the claimed invention, Finnegan teaches a rack comprising a set of compartments extending in a horizontally plane, and also comprising a recess extending from its top for supporting articles at an incline to the horizontal. However, the Finnegan rack only has one level of compartments. On the other hand, the rack recited in claim 1 is a two-level device. Claim 1 recites two compartments that are equal in length, parallel, and substantially running together on

the same plane. A second additional compartment is inverted relative to the two first compartments, and further is on an elevated plane with regard to the plane of the first two compartments. Therefore, in one rack according to the claimed invention, two levels of bottles can be stored. This is not the case for Finnegan.

The addition of Horne does not ameliorate the deficiencies of Finnegan with respect to claim 1. Horne teaches a rack with a wider area (6) and a narrow area (10) for supporting a wine bottle. However, these areas are adapted to support just a little part of the bottle in an inclined plane (see figures 2 and 3). Moreover, according to Horne, the rack is adapted to alternately support the wine bottle in either an inclined (Fig. 3) or declined (Fig. 2) position. Horne does not teach or suggest supporting multiple bottles on two planes with respect to each other.

Therefore, even presuming that there were some apparent reason to combine the references, the combination of Finnegan and Horne would produce a horizontal rack with several storage positions in a single plane, each storage position capable of holding a bottle in either an inclined or a declined position. The proposed combination does not teach or suggest the rack recited in claim 1, which includes a second compartment inverted and on an elevated plane with regard to the two first compartments. It is well settled that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Therefore, because the proposed combination of Finnegan and Horne does not teach or suggest all features of claim 1, Applicant respectfully submits that the claim is patentably distinguished over the references, taken singly or in combination.


Claims 2-7 each depend, either directly or indirectly, from independent claim 1. These dependent claims are each separately patentable, but are offered as patentable for at least the same reasons as their underlying independent base claim, the features of which are incorporated by reference. Therefore, Applicant respectfully submits that the rejection of claims 1-7 has been obviated, and kindly requests favorable reconsideration and withdrawal.

Conclusion

In light of the foregoing, Applicant respectfully submits that all claims are patentable, and kindly solicits and early and favorable notice of Allowability.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert C. Faber", is written over a horizontal line.

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